IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1990 OF 2005

IN

SUIT NO.4162 OF 1995

Roop Narian Sah & another. ... Plaintiffs.

vs.

Smita Rajeev Sah. .... Defendant.

And

Bombay Mercantile Co-op. Bank Ltd. ...Respondent.

Mr.Sham Diwan i/b. Lalit Jain, for Plaintiffs.

Mr.D.D.Madan i/b. Udwadia Udeshi, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 2nd March,, 2006

P.C.:-

1. The learned Counsel appearing for defendant- Smita Rajeev Sah states that the respondent- Bombay Mercantile Co-op. Bank Ltd. has already initiated proceedings under the Securitisation Act

against the flat which is subject matter of this suit on the footing that the flat is mortgaged to that Bank. The statement is accepted.

It is clarified that the interim orders passed by this Court in this suit dated 15.11.1995 and 21.1.1998 will not come in the way, either of the Bank or of the plaintiff in the proceedings before the appropriate Tribunal under the Securitisation Act. It is further clarified that the plaintiff shall be at liberty to approach the appropriate Tribunal under the Securitisation Act, if so, advised. In view of this, on a motion made by the learned Counsel appearing for the plaintiff, the notice of motion is permitted to be withdrawn with liberty to approach again if necessary.